

1 JOSEPH P. RUSSONIELLO  
United States Attorney  
2 Northern District of California  
CHARLES M. O' CONNOR (CA State Bar No. 56320)  
3 Assistant United States Attorney  
9th Floor, Federal Building  
4 450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102  
5 Telephone (415) 436-7180

6 RONALD J. TENPAS  
7 Assistant Attorney General  
8 Environment & Natural Resources Division  
9 United States Department of Justice  
10 LESLIE M. HILL (D.C. Bar No. 476008)  
11 Leslie.Hill@usdoj.gov  
12 Environmental Defense Section  
13 601 D Street N.W., Suite 8000  
14 Washington D.C. 20004  
15 Telephone (202) 514-0375  
16 Facsimile (202) 514-8865

12 | Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

23 Pursuant to Civil L.R. 16-8(b) and ADR L.R. 3-5 (b), each of the  
24 undersigned certifies that he or she has:

1 (1) Read the handbook entitled "Dispute Resolution Procedures in  
2 the Northern District of California" on the Court's ADR Internet site  
3 [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov);

4 (2) Discussed the available dispute resolution options provided  
5 by the Court and private entities; and

6 (3) Considered whether this case might benefit from any of the  
7 available dispute resolution options.

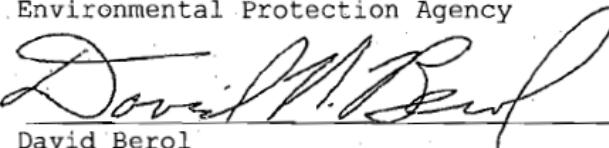
8  
9 Respectfully submitted,

10 Dated: September 5, 2008

RONALD J. TENPAS  
Assistant Attorney General  
Environment and Natural Resources  
Division

13 \_\_\_\_\_/s/  
14 LESLIE M. HILL (D.C. Bar No. 476008)  
15 U.S. Department of Justice  
16 Environment & Natural Resources  
17 Division  
18 Environmental Defense Section  
19 601 D Street N.W., Suite 8000  
20 Washington D.C. 20004  
21 Leslie.Hill@usdoj.gov  
22 Telephone (202) 514-0375  
23 Facsimile (202) 514-8865

24 Dated: September 2, 2008  
25  
26

STEPHEN L. JOHNSON  
Administrator, United States  
Environmental Protection Agency  
  
David Berol  
Office of General Counsel  
U.S. Environmental Protection Agency

1 CERTIFICATE OF SERVICE  
23  
4 I hereby certify that on September 5, 2008, the foregoing **DECLINATION**  
5 **TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED**  
6 **STATES DISTRICT JUDGE** was filed electronically. Pursuant to Local Rule 5-5  
7 and General Order No. 45, a Notice of Electronic Filing will be sent to the  
8 following parties by operation of the Court's electronic filing system:  
910  
11 Counsel for Plaintiffs Sierra Club, Natural Resources Defense Council, and  
12 the Alliance for Healthy Homes:  
13

14 James R. Wheaton

15 Thomas Neltner

16 Lynne R. Saxton

17 1701 Tilton Dr.

18 Environmental Law Foundation  
19 1736 Franklin Street, 9<sup>th</sup> Floor  
20 Oakland, CA 94612

21 Silver Spring, MD 20902

22 [wheaton@envirolaw.org](mailto:wheaton@envirolaw.org)

23

24 [lsaxton@envirolaw.org](mailto:lsaxton@envirolaw.org)

25 Mae C. Wu (Cal. Bar No. 216086)

26 Aaron Colangelo

1 Mae C. Wu (Cal. Bar No. 216086)  
2 Aaron Colangelo  
3 Natural Resources Defense Council  
4 1200 New York Avenue, N.W. Suite 400  
5 Washington, D.C. 20005  
6 [mwu@nrdc.org](mailto:mwu@nrdc.org)  
7 [acolangelo@nrdc.org](mailto:acolangelo@nrdc.org)